ENTERED

October 05, 2018

David J. Bradlev. Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

GLENN FLOYD SMITH	§	
Plaintiff.	§ § 8	
VS.	8 § 8	CIVIL ACTION NO. 3:18–CV–00023
NANCY A. BERRYHILL, ACTING	§ §	
COMMISSIONER OF THE SOCIAL SECURITY ADMINISTRATION	§ §	
Defendant.	§ §	

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

Pending before the Court is Plaintiff Glenn Floyd Smith's Objections to Magistrate Judge's Recommendation ("Objections"). Dkt. 27. On February 22, 2018, this case was referred to United States Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1). Dkt. 4. On August 19, 2018, Judge Edison filed a Memorandum and Recommendation (Dkt. 26) recommending that Plaintiff Glenn Floyd Smith's Memorandum in Support of Motion for Summary Judgment (Dkt. 22) be **DENIED**; Defendant Nancy A. Berryhill, Acting Commissioner of the Social Security Administration's Motion for Summary Judgment (Dkt. 24) be **GRANTED**; and the decision of the Administrative Law Judge be **AFFIRMED**.

On October 2, 2018, Plaintiff filed his Objections. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to

which objection [has been] made." After conducting this de novo review, the Court may

"accept, reject, or modify, in whole or in part, the findings or recommendations made by

the magistrate judge." *Id.*; see also FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and

Recommendation; the pleadings and summary judgment record; and the briefing and

arguments of the parties. The Court ACCEPTS Judge Edison's Memorandum and

Recommendation and ADOPTS it as the opinion of the Court. It is therefore

ORDERED that:

(1) Judge Edison's Memorandum and Recommendation (Dkt. 26) be

APPROVED AND ADOPTED in its entirety as the holding of the Court;

(2) Plaintiff Glenn Floyd Smith's Memorandum in Support of Motion for

Summary Judgment (Dkt. 22) be **DENIED**;

(3) Defendant Nancy A. Berryhill, Acting Commissioner of the Social Security

Administration's Motion for Summary Judgment (Dkt. 24) be **GRANTED**;

and

(4) The decision of the Administrative Law Judge be **AFFIRMED**.

It is so **ORDERED**.

SIGNED at Galveston, Texas, this 5th day of October, 2018.

George C. Hanks Jr.

United States District Judge

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